761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: September 22, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: STEVEN M. ROLLER, CAPTAIN
CENTURY STATION
DANIEL FENKELSTEIN, CAPTAIN
TRANSIT SERVICES BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, MAY 12, 2005, REVIEW #FO2146330**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on May 12, 2005.

The Committee met on September 22, 2005 and consisted of myself and Commanders Robert Binkley (FOR III), Eric Smith (Leadership and Training Division) and Kenneth J. Brazile. The Committee determined the use of force by Deputy Ronald Daily #[redacted] (CEN), Deputy John MacDonald #[redacted] (CEN) and Deputy [redacted] #[redacted] (TSB) was within Department policy.

Please advise the deputies of this finding.

JGJ:MAH:mh

05/12/05 CEN FO2146330 Use of Force Review Sgt. Berg Lt. Jensen

Factors:

Synopsis: Deputies #1 and #2 received a call of a family disturbance at a single-family dwelling. Upon arrival, the deputies contacted the informant, which was the suspect's [redacted] The informant advised that the suspect, his adult [redacted] was in his home against his desire and causing him distress; he wanted his [redacted] to leave but was afraid to confront him because of his unstable and abusive disposition. Also, the suspect, a user of cocaine and other illegal drugs, had not been taking his prescribed psycho-tropic medication. The deputies confronted the suspect in the rear bedroom of the location and attempted to persuade him to voluntarily leave the house. The suspect was sitting on the edge of the bed and lunged at Deputy #2 and pushed him in the chest. Deputy #1 sprayed the suspect with OC but it had no apparent effect. Deputy #2 then pushed the suspect back down onto the bed. The suspect kicked at Deputy #2, and Deputy #2 punched the suspect once in the face. The suspect rolled off the bed, stood up and started moving toward Deputy #1. Deputy #1 punched the suspect once in the face. Deputy #1 then broadcast an assistance request as Deputy #2 put the suspect in a bear-hug and took the suspect to the ground. The suspect pinned Deputy #2's left arm against his body, so Deputy #2 punched the suspect four to five times in the face with his free right hand. Also, Deputy #1 punched the suspect twice in the face. The suspect released his grip on Deputy #2's arm and the deputies were able to handcuff the suspect. Deputies #3 and #4 arrived in response to the assistance request. Deputy #3 applied a hobble restraint on the now handcuffed but still kicking suspect; with this, the suspect stopped fighting. The deputies carried the suspect out of the house and into the front yard where they requested medical assistance. The suspect sustained a fractured left cheekbone. No deputies were injured during the fight.

Findings:

Recs:

Los Angeles County Sheriff's Department

Sup_visor's Report on Use of F_rce

Incident Information

URN:	405-07980-2140-145	Date:	05/12/05	Time:	1714
Location:	[redacted] EL SEGUNDO BOULEVARD, LOS ANGELES (UNINCORPORATED)				
City or Station:	CENTURY STATION				
Bureau/Station/Facility:	CENTURY STATION	Admin. Investigation: YES ☐ NO ☒			

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	BAILEY	MARK		SGT.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	RASMUSSEN	DONALD	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	RAMPONE	NICHOLAS	

Watch Commander's Signature: ______________________ Emp #: __________

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: MICHAEL R. BERG Emp #: [redacted]
(Print)

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2146330

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

SH-R-438 Rev. 10/98

See Reverse

Supervisor's Report on Use of Force

URN: 405-07980-2140-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC		
S1	E1	PP		
S1	E1	PK		
S1	E1	PH		
S1	E1	RS		
S1	E2	PH		
S1	E2	RS		
S1	E3	RS		
E1	S1	CT		
E1	S1	PH	FR	FA
E1	S1	TD		
E1	S1	RH		
E2	S1	OC		
E2	S1	PH	FR	FA
E2	S1	CT		
E2	S1	RH		
E3	S1	HB		

See Front Side

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 405-07980-2140-145

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	MACDONALD	JOHN	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	CENTURY STATION	214E

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5-8	181

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	DAILY	RONALD	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	CENTURY STATION	214E

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5-11	225

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	TSB	606G

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5-10	175

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital:	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
USPECT INFORMATION

URN: 405-07980-2140-145

Suspect Information

S1

Last Name	DE LA HARRAN	First Name	GABRIEL	Middle Name
AKA Last Name		First Name		Middle Name

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	H	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	32	5-04	03/02/73	160	☐

Booking #: 8569656 Primary Charge: 69 PC Secondary Charge: 11350(A) HS Criminal Histor [redacted]

Hospital Admission? ☒ Rec'd Treatment At: SUBURBAN MEDICAL CTR. Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☒ NO Substance: ____________ Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date:	Time:		
05/12/05	1915	Audiotape: ☒	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name
AKA Last Name		First Name		Middle Name

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ____________ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name
AKA Last Name		First Name		Middle Name

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ____________ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date:	Time:		
		Audiotape: ☐	Videotape: ☐

See Other Side

INVESTIGATIVE SUMMARY
USE OF FORCE; FRACTURED CHEEKBONE
IAB FO2146330
URN 405-07980-2140-145

On Thursday, May 12, 2005, Sergeants Michael Berg and John Harris of the Internal Affairs Bureau responded to Century Station regarding a Use of Force, fractured cheekbone. Internal Affairs Bureau Lieutenant Curtis Jensen also responded.

While on routine patrol, Century Deputies John MacDonald and Ronald Daily (214E/P) received a radio call of a family disturbance at [redacted] El Segundo Bl. They responded and contacted Mr. [redacted] of the suspect. Daily was able to communicate with Mr. [redacted] a Spanish-speaker. Mr. [redacted] told the deputies that his [redacted] Suspect [redacted] was crazy, not taking his medication, and probably taking illegal drugs. Mr. [redacted] also indicated his [redacted] did not reside at the home, and Mr. [redacted] wanted his [redacted] to leave the house. [redacted] the suspect's [redacted] was also present in the home.

Deputies MacDonald and Daily contacted the suspect in a rear bedroom of the home. The suspect was asleep, and MacDonald woke the suspect. MacDonald tried to talk to the suspect, and asked him to go outside with the deputies. Suspect De la Herran became verbally abusive and hostile toward the deputies.

Deputy Daily requested a field sergeant via his radio to respond to the location. The suspect, who was seated on the edge of the bed, lunged for Deputy MacDonald and pushed him in the chest. Daily sprayed the suspect in the face with O.C. spray. MacDonald pushed the suspect onto the bed and the suspect kicked at MacDonald. MacDonald punched the suspect once in the face before the suspect rolled off of the bed and stood up.

The suspect started toward Daily, and Daily punched the suspect once in the face. MacDonald bear-hugged the suspect from behind and took him to the ground. Daily broadcast an assistance request on his radio, and ushered the suspect's parents out of the room. The suspect was able to pin MacDonald's left arm against his body. MacDonald told Daily the suspect had his arm. MacDonald hit the suspect in the face 4-5 times with his free right hand, and Daily punched the suspect twice in the face.

The suspect released his grip on MacDonald's arm, and the deputies handcuffed the suspect. TSB Deputies [redacted] and [redacted] responded to the scene. [redacted] entered the house and bedroom, and applied a hobble restraint around the suspect's ankles. The deputies carried the suspect out of the bedroom and into the front yard, where they requested medical assistance for the suspect.

The suspect was transported to Suburban Medical Center in Paramount for treatment. The suspect was diagnosed with a fractured left cheekbone. Refer to the **Injuries** section and **Exhibit B and D** for descriptions and photos of De la Herran's injuries.

No personnel from the Force Training Unit, Civil Litigation Unit or the Office of Independent Review responded to the incident.

INVOLVED PERSONNEL:

MACDONALD, John, Deputy #[redacted]
Field Operations Region II
Century Station

DAILY, Ronald, Deputy #[redacted]
Field Operations Region II
Century Station

[redacted] Deputy #[redacted]
Field Operations Region II
Transit Services Bureau

EMPLOYEE WORK HISTORY:

MACDONALD, John

Date of Employment	05/31/95
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

DAILY, Ronald

Date of Employment	05/20/88
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

[redacted]

Date of Employment	01/21/01
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:

De La Herran, Gabriel MH/32 Booking # 8569656

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect De la Herran (CII# A09900082) has been [redacted] Refer to the CCHRS printouts included under **Miscellaneous Documents**.

Suspect De la Herran was convicted of 69 P.C. on 6/22/05. All other charges were dropped due to a plea negotiation. De la Herran was sentenced to 3 years of Summary Probation, and 63 days in L.A. County Jail.

WITNESSES:

Sworn:

[redacted] Deputy # [redacted]

Civilian:

[redacted] MH/61
[redacted]
Ph#- (H) [redacted]

[redacted] FH/60
[redacted]
Ph#- (H) [redacted]

INJURIES:

DE LA HERRAN, Gabriel

- fracture to the left cheekbone (zygoma)
- small cut to the left cheekbone

Suspect De la Herran was treated at the scene by paramedics from L.A. County Fire, Engine 95. He was transported to Suburban Medical Center (16453 S. Colorado Ave., Paramount) via patrol car. De la Herran was treated in the Emergency Room by Dr. John Ziomek.

Dr. Ziomek ordered a brain C.T. scan, a C.T. scan of the left orbit, and x-rays. De la Herran complained of pain to his back, neck and stomach area, although no injury to those areas was found. Dr. Ziomek believed De la Herran's injuries were consistent with the force reported by the deputies.

De la Herran left the hospital against medical advice. He signed the authorization to leave the hospital and was taken into custody. Refer to the medical documents (**Exhibit D**) and to photos of De la Herran's injuries (**Exhibit B**). No deputies were injured.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene and the Crime Lab did not respond to this incident.

Photographs were taken of the scene (interior of the suspect's bedroom). A videotape was made of the condition of the bedroom. There were blood spots on the north wall, and on the mattress pad of the bed. Refer to the photos of the suspect's injuries (**Exhibit B**) and the scene (**Exhibits C and E**) for further information.

INVESTIGATOR OBSERVATIONS:

Investigators arrived at the Century Station several hours after the incident. The scene had not been held, and did not play a prominent role in the incident. The force incident occurred inside of a bedroom in a private residence. Investigators were provided with digital photographs of the scene, a videotape of the scene (and interviews) and did not respond to the location of the incident.

The physical evidence of the suspect's injuries appeared to be consistent with the deputies' versions of the events. Refer to **Exhibits B, C and E** for photographs of the injuries and scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy MacDonald, John

Deputy MacDonald utilized control holds and a takedown against the suspect. MacDonald punched the suspect 4-5 times in the face with his right fist. The suspect resisted MacDonald's handcuffing efforts. MacDonald gave verbal commands to the suspect throughout the incident.

Deputy Daily, Ronald

Deputy Daily dispersed O.C. spray into the suspect's face and punched the suspect 3 times in the face (once with his right fist, twice with his left fist). The suspect resisted Daily's handcuffing efforts. Daily gave verbal commands to the suspect throughout the incident.

Deputy [redacted]

Deputy [redacted] applied a hobble restraint device around the suspect's ankles.

WEAPONS USED BY SUSPECT

Suspect De la Herran was uncooperative from his initial contact with the deputies. After Deputy MacDonald radioed for a sergeant to respond, De la Herran jumped at MacDonald and pushed him in the chest. Despite being sprayed by O.C., the suspect tried to kick MacDonald in the stomach and elude MacDonald's grasp. The suspect freed himself and charged toward Daily.

After MacDonald bear-hugged the suspect, De la Herran used his body weight to pin MacDonald to the wall and gain control of MacDonald's hand. The deputies ultimately gained control of De la Herran, and handcuffed him. De la Herran continued to kick and resist after being handcuffed. Deputy [redacted] applied a rip hobble device to De la Herran's ankles.

PROPERTY DAMAGE:

No county or private property was damaged.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective [redacted]
Court	Compton
Charges Filed	69 P.C./ 243(B) P.C./ 11364(a) H.S.
Court Date	06/22/05
Case Number	COMTA07915501

Suspect De la Herran was convicted of 69 P.C. on 6/22/05. All other charges were dropped due to a plea negotiation. De la Herran was sentenced to 3 years of Summary Probation, and 63 days in L.A. County Jail.

LIGHTING OR WEATHER CONDITIONS:

The weather was clear and warm at the time of the incident (approximately 1714 hours). The incident occurred inside of a residence, and weather and lighting were not factors.

INVOLVED EMPLOYEES STATEMENTS:

Deputy MacDonald, John

Deputy MacDonald was working a two-man, uniformed patrol car on PM shift (214E). His partner was Deputy MacDonald. They received a priority radio call of a family disturbance at [redacted] El Segundo Bl. They arrived at the location and contacted an elderly man outside by the side of the house. Despite speaking limited English, the man (Mr. [redacted] was able to convey that his [redacted] was in the house, and acting aggressively toward himself and his [redacted]

Mr. [redacted] indicated that his [redacted] was crazy, not taking his medication, and probably taking illegal drugs. Mr. [redacted] also indicated his [redacted] did not reside at the home, and Mr. [redacted] wanted his [redacted] to leave the house.

Mr. [redacted] directed the deputies to a bedroom in the back of the house where Suspect De la Herran was asleep on a bed. MacDonald entered the room, tapped the suspect on the shoulder and woke the suspect. The suspect spoke English. MacDonald asked the suspect why his parents called the police. De la Herran was agitated and replied to the effect of, "That's their fucking problem." MacDonald asked the suspect to step outside, and told him that his parents wanted him to leave. The suspect told MacDonald to "get the fuck out of the house."

MacDonald held a hand up to Daily to indicate to stand by. MacDonald asked Daily to request a sergeant to respond to the location. MacDonald did not feel the suspect was a threat, and he wanted the suspect to talk to a supervisor. MacDonald believed suspects frequently calm down if they talk to a supervisor. MacDonald felt there was no rush to do anything with the suspect. MacDonald believed the suspect was acting like a jerk, but did not believe the suspect was under the influence of drugs or alcohol.

The suspect again told the deputies to "get the fuck out of the house." The suspect sat on the edge of the bed, then lunged at Deputy MacDonald and pushed him in the chest. MacDonald grabbed the suspect's arms, and Daily sprayed the suspect in the face with O.C. spray.

MacDonald pushed the suspect onto the bed. The suspect was on his back, and kicked at Deputy MacDonald with his right leg. MacDonald pushed the suspect's leg off to the side, and punched the suspect once in the face. The suspect rolled off of the bed and stood up. MacDonald grabbed the suspect from behind in a bear hug. Around the same time, Daily punched the suspect once in the face. MacDonald took the suspect to the ground.

MacDonald reached around the suspect and grabbed his left wrist for handcuffing. The suspect pinned MacDonald's arm against the side of his body. MacDonald yelled to Daily, "He has my arm pinned!" The suspect turned his head toward MacDonald. MacDonald punched the suspect 4-5 times in the face. Daily came over to free MacDonald and punched the suspect in the face.

The suspect loosened his grip and MacDonald freed his arm. Daily grabbed the suspect's left arm and MacDonald controlled the suspect's right arm. The deputies pulled the suspect's arms behind his back and handcuffed him.

The suspect yelled that his back hurt and he continued to kick. Two deputies from TSB came into the room. While MacDonald applied weight to the upper torso of the suspect, one of the TSB deputies [redacted] applied the rip hobble to the suspect's legs. [redacted] and MacDonald carried the suspect out of the house and placed him in the front yard.

MacDonald remembered the suspect's [redacted] were in the bedroom doorway throughout the entire incident. They yelled things in Spanish that MacDonald did not understand.

MacDonald saw the suspect was bleeding from his face, and his face had multiple abrasions. Neither MacDonald or his partner used any impact weapon.

MacDonald was not injured.

> **IAB Note: Deputy MacDonald was sick for his shift and at the time of the incident. Deputy MacDonald almost called in sick for the shift, and could barely speak during the interview after the incident.**

Deputy Daily, Ronald

Deputy Daily was working a two-man, uniformed patrol car on PM shift (214E). His partner was Deputy MacDonald. They received a priority radio call of a [redacted] disturbance at [redacted] El Segundo Bl. They arrived at the location and contacted an elderly man outside by the side of the house. Despite speaking limited English, the man (Mr. [redacted] was able to convey that his [redacted] was in the house, and acting aggressively toward himself and his [redacted]

Mr. [redacted] indicated that his [redacted] was crazy, not taking his medication, and probably taking illegal drugs. Mr. [redacted] also indicated his [redacted] did not reside at the home, and Mr. [redacted] wanted his [redacted] to leave the house.

Mr. [redacted] directed the deputies to a bedroom in the back of the house where Suspect De la Herran was asleep on a bed. Daily and MacDonald entered the small bedroom, approximately 10' x 10', or 8' x 8'. The room had a double bed in the middle of it, and a dresser along a wall.

MacDonald woke the suspect. The suspect spoke English. MacDonald asked the suspect why his [redacted] called the police. De la Herran was agitated and replied to the effect of, "I don't know. That's their fucking problem." MacDonald asked the suspect to step outside, and told him that his [redacted] wanted him to leave.

MacDonald asked Daily to request a sergeant to respond to the location. Daily requested a sergeant over L-Tac, and asked for a sergeant over the dispatch frequency to go to L-Tac. No sergeant acknowledged the request. MacDonald advised the suspect that a sergeant was en route to talk to him. The suspect told the deputies to "get the fuck out" of his house. Daily mentioned that he and MacDonald tried to keep the contact low key, but De la Herran was agitated. Daily did not want to push the issue until a sergeant arrived. The suspect sat on the edge of the bed. Daily was to the suspect's immediate left, and MacDonald was to the suspect's right rear area.

The suspect came off of the bed and pushed Deputy MacDonald in the chest. MacDonald grabbed both of the suspect's arms. Daily already had his O.C. spray out, and deployed a two second burst of spray to the suspect's face. Daily was only a couple of feet from the suspect.

MacDonald pushed the suspect onto the bed. The suspect was on his back, and kicked at Deputy MacDonald. MacDonald told the suspect to stop fighting. MacDonald pushed the suspect's leg off to the side, and punched the suspect once in the face. Daily believed the suspect's [redacted] were at the threshold of the door and hallway area. They yelled their [redacted] name ("Gabriel!") and told the deputies to leave their [redacted] alone.

The suspect rolled off of the bed to the foot of the bed. The suspect stood up, and ran two steps toward Daily. Daily punched the suspect once in the face. Daily considered the suspect to be high risk/assaultive, and wanted to stop the fight as quickly as possible. Daily got on the radio and requested the patch. He broadcast that deputies were involved in a fight at the location in a back bedroom. Daily estimated they were at the location approximately four minutes before he requested assistance.

MacDonald grabbed the suspect from the rear and placed him in a bear hug. The suspect's [redacted] were at the door and yelled at Daily. Daily quickly ushered the [redacted] back into the hallway. He did not want them to get in the way, or to get injured. Both [redacted] seemed elderly and sickly, and Daily was not concerned that they might attack him. Daily did not lose sight of his partner.

The suspect backed MacDonald into a wall. The suspect was hunched over, and used his body weight to pin MacDonald into the wall. The suspect also had a hold of MacDonald's left arm. Daily heard MacDonald yell, "He's got my arm!" MacDonald told Daily he was unable to get his arm free. Daily punched the suspect twice in the left side of his face with his left fist. MacDonald was then able to free his arm. The deputies pushed the suspect to the ground.

Although the suspect continued to resist and struggle, the deputies pulled the suspect's arms behind his back and handcuffed him. Daily heard deputies yell for their whereabouts. He walked out to meet the deputies and direct them to the bedroom. Daily saw two TSB deputies arrive (Deputies [redacted] and [redacted] Daily did not see the rip hobble utilized on the suspect, although he saw the hobble on De la Herran when De la Herran was removed from the house.

Daily was not injured. Neither Daily nor his partner used any impact weapon. Daily saw that De la Herran's left side of his face was cut and swollen.

Daily and MacDonald reported their force to Sgt. Bailey.

Deputy [redacted]

Deputy [redacted] was working a two-man, uniformed patrol car on PM shift [redacted] His partner was Deputy [redacted] and [redacted] were assigned to [redacted]

[redacted] heard 10-33 radio traffic over the Century dispatch frequency regarding a deputy-involved fight call. The deputies also received a message via their MDT stating the same as the radio traffic. [redacted] and [redacted] were in close proximity to the location, [redacted] El Segundo Bl.

They responded to the location and saw one radio car parked in front of the location. They ran to the front door which was open, and entered the house. They were met by a male and female Hispanic inside the house. Both were in a hysterical state. Despite understanding Spanish, [redacted] could not understand the male or female because they were speaking so rapidly.

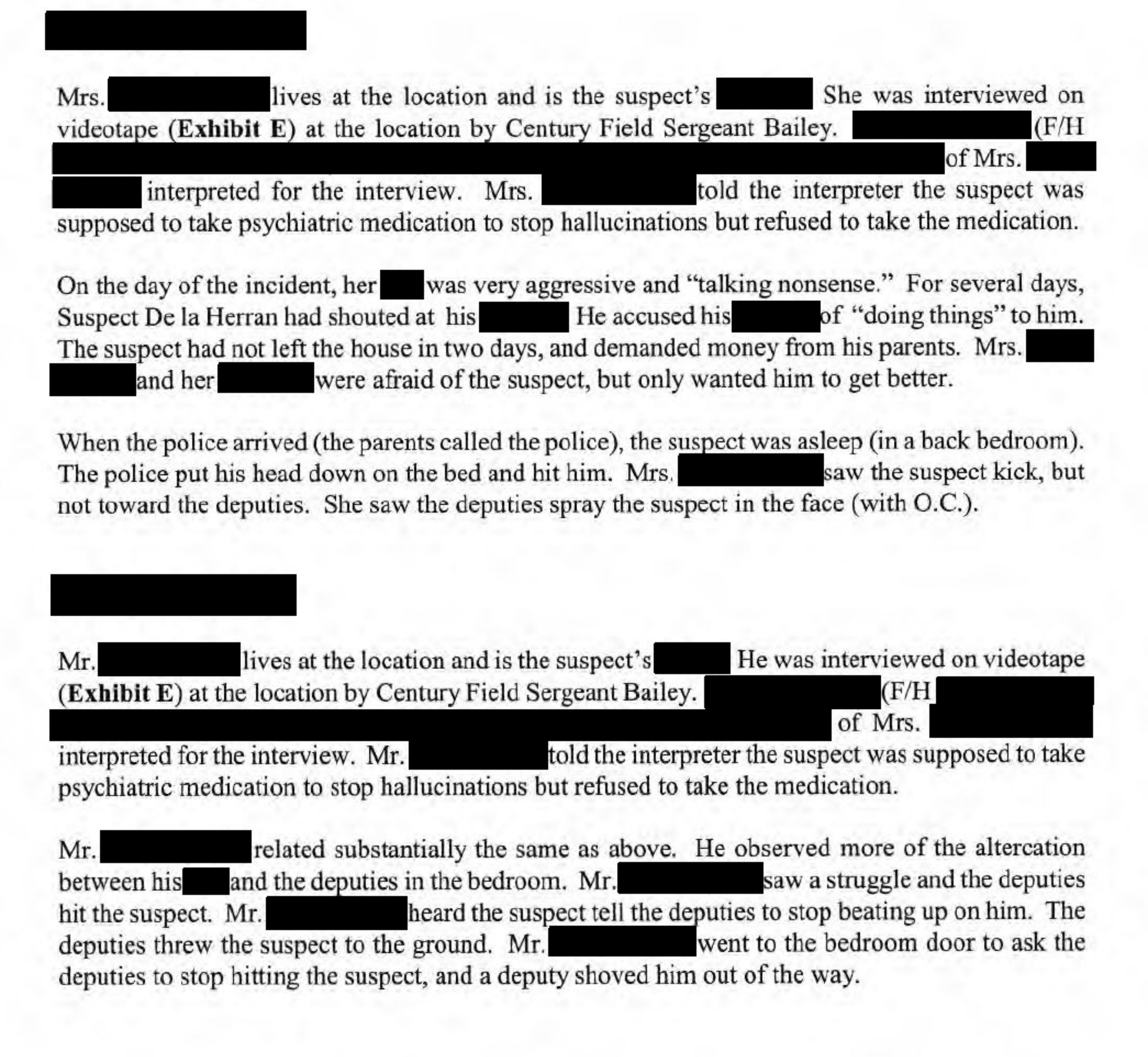
[redacted] heard a male voices coming from a rear bedroom, and asked his partner to stand with the couple [redacted] of Suspect De la Herran). [redacted] went to the bedroom and saw two deputies (MacDonald and Daily) on the floor next to the bed. [redacted] smelled O.C. spray in the bedroom. Each of the deputies held one of the suspect's arms behind his back, and the suspect was already handcuffed. The suspect's feet were closest to [redacted] saw the suspect resisting, struggling and kicking his legs. The suspect yelled at the deputies.

[redacted] took out his Hobble restraint device and used it to hobble the suspect's ankles. [redacted] did not deploy the full TARP procedure. After waiting a few moments for the deputies to catch their breath, [redacted] and the deputies carried the suspect out to the front yard and placed him on his side. One of the deputies requested medical attention for the suspect via the radio.

[redacted] did not see either MacDonald or Daily use force. [redacted] saw a welt next to the suspect's (left) eye. When Sergeant Bailey arrived at the scene, [redacted] advised him of the force he used and saw.

WITNESS STATEMENTS:

Civilian Witnesses



[redacted]

Mrs. [redacted] lives at the location and is the suspect's [redacted] She was interviewed on videotape (**Exhibit E**) at the location by Century Field Sergeant Bailey. [redacted] (F/H [redacted] of Mrs. [redacted] interpreted for the interview. Mrs. [redacted] told the interpreter the suspect was supposed to take psychiatric medication to stop hallucinations but refused to take the medication.

On the day of the incident, her [redacted] was very aggressive and "talking nonsense." For several days, Suspect De la Herran had shouted at his [redacted] He accused his [redacted] of "doing things" to him. The suspect had not left the house in two days, and demanded money from his parents. Mrs. [redacted] and her [redacted] were afraid of the suspect, but only wanted him to get better.

When the police arrived (the parents called the police), the suspect was asleep (in a back bedroom). The police put his head down on the bed and hit him. Mrs. [redacted] saw the suspect kick, but not toward the deputies. She saw the deputies spray the suspect in the face (with O.C.).

[redacted]

Mr. [redacted] lives at the location and is the suspect's [redacted] He was interviewed on videotape (**Exhibit E**) at the location by Century Field Sergeant Bailey. [redacted] (F/H [redacted] of Mrs. [redacted] interpreted for the interview. Mr. [redacted] told the interpreter the suspect was supposed to take psychiatric medication to stop hallucinations but refused to take the medication.

Mr. [redacted] related substantially the same as above. He observed more of the altercation between his [redacted] and the deputies in the bedroom. Mr. [redacted] saw a struggle and the deputies hit the suspect. Mr. [redacted] heard the suspect tell the deputies to stop beating up on him. The deputies threw the suspect to the ground. Mr. [redacted] went to the bedroom door to ask the deputies to stop hitting the suspect, and a deputy shoved him out of the way.

Deputy Witness

Deputy [redacted]

Deputy [redacted] was working a two-man, uniformed patrol car on PM shift [redacted] His partner was Deputy [redacted] [redacted] and [redacted] were assigned to [redacted]

[redacted] heard 10-33 radio traffic over the Century dispatch frequency regarding a deputy-involved fight call. [redacted] the driver of the vehicle, did not hear the call. [redacted] was aware of a message via their MDT stating the same as the radio traffic. [redacted] and [redacted] were in close proximity to the location, [redacted] El Segundo Bl.

They responded to the location and saw one radio car parked in front of the location. They ran to the front door which was open, and entered the house. [redacted] ran into the bedroom where the deputies were located while [redacted] stayed with the parents in the living room area to secure them.

[redacted] smelled O.C. spray when he entered the house. [redacted] did not go to the bedroom and did not witness any force. [redacted] saw the deputies carry the suspect out of the bedroom and place the suspect in the front yard. The suspect was hobbled around the ankles and handcuffed. [redacted] saw the suspect with a swollen eye, but was unsure which eye was injured.

[redacted] did not write a supplementary report.

SUSPECT STATEMENT:

Suspect De la Herran was interviewed at Suburban Medical Center by Lt. Rampone of Century Station. The interview was videotaped (**Exhibit E**).

Prior to the deputies' arrival at the house, De la Herran had argued with his [redacted] De la Herran tried to beat up his [redacted] and his [redacted] told him twice to leave the house. De la Herran commented that he just got out of rehabilitation for methamphetamine use.

De la Herran was asleep (in a bedroom) when the deputies arrived. The deputies asked De la Herran to go outside with them, but De la Herran refused. He asked the deputies what the charges against him were, but they would not tell him. The deputies tried to handcuff De la Herran but he resisted.

De la Herran pushed the deputies because he had not done anything wrong. De la Herran admitted he has a short temper. The deputies would not tell De la Herran why they were arresting him. One of the two deputies hit De la Herran in the face. That deputy had a stocky build, and was possibly Hispanic.

De la Herran identified the other deputy as Deputy Steven Butler. Deputy Butler stood with Lt. Rampone as Rampone conducted the interview. De la Herran insisted Butler was the deputy that sprayed him in the face (with O.C.) and tried to arrest him. De la Herran refused to let Butler handcuff him. De la Herran believed Butler hit him.

IAB Note: Deputy Butler was not present at the force incident.

The other deputy hit De la Herran in the face 5-6 times. The same deputy also hit De la Herran in the back of the neck, and the stomach. De la Herran claimed to have lain on the ground and not fought the deputies.

IAB Note: De la Herran had a difficult time remaining focused on the incident and answering questions. De la Herran told his story without consistency and seemed uncertain of the events, or the chronology of the events. No toxicology was performed by the medical staff, and no determination was made regarding whether or not De la Herran was under the influence of drugs. De la Herran left the hospital against medical advice.

MISCELLANEOUS SECTION:

None